

The Georgia Board of Examiners of Licensed Practical Nurses met in Conference Room 102 of the Professional Licensing Boards Division of the Georgia Secretary of State, located at 237 Coliseum Drive, Macon, Georgia 31217.

WEDNESDAY, June 9, 2010

MEMBERS PRESENT:

Barbara Mitchell, RN, NHA, President
Jane Harte Sipple, LPN, CPUR, CCDS Vice President
Kellie R. Lockwood, RN, MSN, Cognizant Member
Patricia Z. Marshall, LPN, NAAC
Fredetena "Tina" Fletcher, LPN
Krista Andrea Phipps, LPN

MEMBERS ABSENT:

Le Ann Tuggle, Consumer Member

STAFF PRESENT:

Sandy Bond, RN, MSN, MBA, Executive Director
Adrienne Price, RN, MSN, Nursing Consultant, Legal/Disciplinary
Janet Jackson, JD., Assistant Attorney General (Via teleconference)
Katrina Martin, RN, BNS Licensing Supervisor
Pam Candler, Board Support Specialist

LIAISON

Hattie O'Bryant, representing Georgia Licensed Practical Nurses Association
Attendance at Open Session only

Ms. Mitchell called the meeting to order at 9:35 a.m. on Wednesday, June 9, 2010. Ms. Mitchell noted that a quorum was present to conduct business.

Ms. Jackson asked each board member to document their employment to ascertain that no two board members were employed by the same employer.

New Board Member Andrea Phipps was given the Oath of Office by Sandy Bond, Executive Director. A brief orientation followed and Ms. Phipps was presented with her notebook of LPN Rules, Laws, Policies, Duties and responsibilities.

BOARD MINUTES

Ms. Lockwood moved to accept and publish the minutes from the April Board Meeting as amended. Ms. Sipple seconded the motion and it carried unanimously.

LIAISON REPORT

Ms. O'Bryant invited the Board to the Annual Meeting scheduled for November 1-3 at the Doubletree Hotel in Augusta. Students attending will have a workshop on passing the NCLEX examination. She added that the Newsletter will contain a reminder to all LPNs to renew their licenses.

AGENDA

Ms. Sipple moved to approve the Agenda as amended. Ms. Phipps seconded the motion and it carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

Ms. Bond gave a brief update on administrative issues:

- Welcome to new Board Member
- MLO Conversion continues, with plans to remove L2K from all computers by mid July
- LPN Examination Applications nearly ready to go on line

Ms. Bond reminded the board that they should recuse themselves from voting on any issue in which they have prior knowledge.

Board members were cautioned not to discuss any issues coming before the board, and to refer all questions to the board office.

CORRESPONDENCE

FLOWERS 4 THE FLOAT

Ms. Jackson was very gratified that the Rose Parade elected a Registered Nurse as its President for 2013. Ms. Lockwood moved to send a copy of this letter to the Georgia Nurses' Association and the Georgia Association of Licensed Practical Nurses, asking them to put a link on their websites. A congratulatory letter should also be sent to Ms. Bixby. Ms. Fletcher seconded the motion and it carried unanimously.

BT

Ms. Lockwood moved to write a letter requesting more information to support their allegations and if no answer is received within 30 days, then close the case. Ms. Sipple seconded the motion and it carried unanimously.

EXECUTIVE SESSION

Ms. Fletcher moved, Ms. Marshall seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2(k); 43-1-19(h); 43-26-5 (c) and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases*. The motion passed unanimously.

At the conclusion of Executive Session on Wednesday, June 9, 2010, Mrs. Mitchell declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

LEGAL SERVICES

(LPNI – Licensed Practical Nurse Case Number)

Ms. Sipple moved to refer the following cases to the Investigations Department to determine if these nurses are engaging in unlicensed practice, and if they are issue a voluntary Cease & Desist Order. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100216 BAT

LPNI100224 SFP

LPNI090190 CF

LPNI100190 CMH

LPNI090202 GMD Ms. Sipple moved to issue license and accept the signed consent agreement. Ms. Fletcher seconded the motion and it carried unanimously.

DISCIPLINE CASES

(LPNI – Licensed Practical Nurse Case Number)

REINSTATEMENT APPLICATION REVIEW

LPNI040020 TJS Ms. Marshall moved to write a letter to the applicant requesting an outpatient mental physical examination as a condition of the Board’s consideration of the application. Results are to be reviewed by the Cognizant Board Member and if warranted, refer to the Attorney General’s Office for a consent agreement utilizing evaluation results and/or recommendations. If not warranted, proceed with licensure and close the case. Ms. Phipps seconded the motion and it carried unanimously.

LPNI090137 AEM Ms. Lockwood moved to write a letter to the applicant requesting an outpatient mental physical examination as a condition of the Board’s consideration of the application. Results are to be reviewed by the Cognizant Board Member and if warranted, refer to the Attorney General’s Office for a consent agreement utilizing evaluation results and/or recommendations. If not warranted, proceed with licensure and close the case. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI100338 FAM Ms. Sipple moved to invite applicant in for an interview. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100341 CDB Ms. Lockwood moved to invite applicant in for an interview and request that she furnish the Board with a copy of her separation notice from her last employer with an indication of whether applicant is eligible for rehire. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI100342 TJ Ms. Fletcher moved to request applicant to complete a criminal background check. Ms. Sipple seconded the motion and it carried unanimously.

LPNI100343 DMG Ms. Mitchell moved to close the case and proceed with licensure by reinstatement. Ms. Phipps seconded the motion and it carried unanimously.

ENDORSEMENT APPLICATION REVIEW

LPNI100340 KDB Ms. Lockwood moved to deny licensure based on felony conviction. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100308 LAB Ms. Phipps moved to issue license with a letter of concern re: criminal background. Ms. Sipple seconded the motion and it carried unanimously.

PERSONAL APPEARANCES

(LPNI – Licensed Practical Nurse Case Number)

LPNI100250 MLM Ms. Sipple moved to issue license with a letter of concern re: professionalism and conduct. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI100302 PM It was determined that this applicant did not have a current active application and must resubmit a current application.

LPNI100266 KJ Ms. Lockwood moved to uphold the board previous decision since applicant was a “no show”. Ms. Fletcher seconded the motion and it carried unanimously.

REVIEW OF COURSES PER CONSENT ORDER

LPNI080134 DDEA Ms. Marshall moved to accept courses as proof of compliance with consent order. Ms. Fletcher seconded the motion and it carried unanimously.

MENTAL PHYSICAL EXAMINATION Review:

LPNI080043 ALM Ms. Fletcher moved to accept the mental/physical examination and refer to the Attorney General’s Office for a Hearing or Public Consent Order to include 5 years probation, quarterly drug screens, personal and employer quarterly reports with narcotic restrictions for two years. Ms. Marshall seconded the motion and it carried unanimously.

APPLICATION REVIEW

LPNI100344 KH Ms. Phipps moved to issue license by reinstatement with a letter of concern regarding failure to renew on a timely basis. Motion was seconded by Ms. Lockwood and it carried unanimously.

LPNI100345 AD Ms. Sipple moved to require applicant to participate in a refresher program with 80 hours of theory and 160 hours of clinical. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100346 LJA Ms. Fletcher moved to refer to legal services for a Private Consent Agreement with a fine of \$500.00 for unlicensed practice from April 2009 to February 2010. Ms. Phipps seconded the motion and it carried unanimously.

LPNI1003347 LSF Ms. Fletcher moved to deny licensure based on insufficient theory and clinical clock hours. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100348 MF Ms. Lockwood moved to deny licensure based on insufficient theory and clinical clock hours. Ms. Sipple seconded the motion and it carried unanimously.

LPNI100349 LCG Ms. Sipple moved to refer to legal services for a Private Consent Agreement with a fine of \$500.00 for unlicensed practice from April 2009 to March 2010. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100350 TLS Ms. Fletcher moved to refer to legal services for a Private Consent Agreement with a fine of \$500.00 for unlicensed practice from April 2009 to February 2010. Ms. Phipps seconded the motion and it carried unanimously.

LPNI1100352 CB Ms. Phipps moved to deny licensure based on insufficient theory and clinical clock hours as well as incomplete calculation of clock hours. Ms. Sipple seconded the motion and it carried unanimously.

LPNI100353 VCT Ms. Marshall moved to refer to legal services for a Private Consent Agreement with a fine of \$500.00 for unlicensed practice from April 2009 to December 2009. Ms. Fletcher seconded the motion and it carried unanimously.

LPNI100354 SDK Ms. Fletcher moved to suspend action on this file until applicant can provide the board with proof of employment with actual hours worked. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100355 TR Ms. Marshall moved to refer to legal services for a Private Consent Agreement with a fine of \$500.00 for unlicensed practice from April 2009 to February 2010. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100356 JY Ms. Lockwood moved to deny licensure based on insufficient theory and clinical clock hours. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100357 EJC Ms. Fletcher moved to deny licensure based on insufficient theory and clinical clock hours. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100358 MB Ms. Lockwood moved to deny licensure based on insufficient theory and clinical clock hours, the absence of an official transcript and an incomplete application. Ms. Marshall seconded the motion and it carried unanimously.

LP NI100359 TPW Ms. Fletcher moved to refer to legal services for a Private Consent Agreement with a fine of \$500.00 for unlicensed practice from April 2009 to March 2010. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100360 NA Ms. Sipple moved to deny licensure based on insufficient theory and clinical clock hours. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100361 DM Ms. Phipps moved to deny licensure based on failure to meet qualifications related to practice requirements. Applicant must complete Licensed Practical Nursing education based on O.C.G.A. §43-26-39 (d). Ms. Fletcher seconded and motion and it carried unanimously.

LPNI1003634 DFCV Ms. Phipps moved to refer to legal services for a Private Consent Agreement with a fine of \$500.00 for unlicensed practice from April 2009 to March 2010. Ms. Marshall seconded the motion and it carried unanimously.

There being no further business, the meeting adjourned at 5:41 p.m.

THURSDAY, JUNE 10, 2010

MEMBERS PRESENT:

Barbara Mitchell, RN, NHA, President
Jane Harte Sipple, LPN, CPUR, CCDS Vice President
Krista Andrea Phipps, LPN
Kellie R. Lockwood, RN, MSN, Cognizant Member
Patricia Z. Marshall, LPN, NAAC
Fredettena "Tina" Fletcher, LPN

MEMBERS ABSENT:

Le Ann Tuggle, Consumer Member

STAFF PRESENT:

Sandy Bond, RN, MSN, MBA, Executive Director
Adrienne Price, RN, MSN, Legal/Disciplinary Consultant
Julia Gould, RN, MS, Nursing Consultant - Education
Janet Jackson, JD., Assistant Attorney General
Pam Candler, Board Support Specialist

OTHERS PRESENT

Lisa Anne Beck, M.Ed., D.C., Curriculum Program Specialist
Public Health & Safety/Nursing, Technical College System of Georgia
Sheila Burke, Bauder College
Diana Meeks-Sjostrom, Bauder College
Millicent Threats, Bauder College

Ms. Mitchell called the meeting to order at 9:13 a.m. Ms. Mitchell noted that a quorum was present to conduct business.

Ms. Mitchell reminded the Board they had determined that merged schools would only have one NCSBN member number. The parent campus will be assigned the number and the satellites will also have the same number, with all NCLEX-PN test results provided to the main campus.

Ms. Gould stated that the parent institution would be granting the degree. The rule became effective on February 21, 2010 and there needs to be one person in charge. Passing rate is to be 80% or better, and the program of study must be identical at the parent and satellite schools.

Ms. Mitchell noted without an education consultant for the Licensed Practical Nurses, there are some items that have been neglected. One of the program chairs at a technical college revised the forms for the annual report which were sent out yesterday and one of the forms had several glaring errors, including the name of the Secretary of State. Ms. Beck sent the annual report forms to all the technical colleges, before the Board could make changes in the format

as was discussed last year. At issue is the need to revise the form for accuracy. The Board requested a \$400.00 fee with the annual reports to cover the cost of Board Members auditing them. The Board needs to consider eliminating this fee.

LISA BECK, D.C., TECHNICAL COLLEGE SYSTEM OF GEORGIA

Plans for semester system are nearly complete and should expedite requests for financial aid, especially the Pell grants. July of 2011 begins with a 5 week quarter and then the semester program will be implemented beginning August 22, 2011. Semesters will run for 15 weeks and then students will sit for their final exams during the 16th week.

ADOPTION OF RULE 400-1-.01

Ms. Jackson reviewed the procedures involved in adopting Rules Amendments. It is at the Board's discretion whether it wants to amend a rule and they may vote to adopt it as posted or make additional changes.

Ms. Phipps moved to adopt Rule 400-1.01 as posted on the Board's Website. Ms. Sipple seconded the motion and it carried unanimously.

Ms. Lockwood moved to vote that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office. Ms. Fletcher seconded the motion and it carried unanimously.

400-1-.01 ORGANIZATION OF BOARD. Amended

(1)The purpose of the Georgia Licensed Practical Nurses Act is to protect, promote and preserve the public health, safety and welfare through the regulation and control of practical nursing education and practice. Any person practicing or offering to practice practical nursing for compensation in Georgia shall be licensed under the provisions of the Act, and the rules promulgated in accordance with the Act, as implemented and administered by the Georgia Board of Examiners of Licensed Practical Nurses.

(2) All Rules and Regulations pertaining to the administration of the Georgia Board of Examiners of Licensed Practical Nurses shall be administered by the Secretary of State through the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, GA 31217. The public may obtain information and any necessary forms from the office of the Secretary of State, Professional Licensing Boards Division.

(3)The Georgia Board of Examiners of Licensed Practical Nurses shall be composed of seven (7) members appointed by the Governor. Board members shall consist of the following: a registered professional nurse, engaged in licensed practical nurse education, a nurse who is an administrator at a hospital or nursing home. Four licensed practical nurses and one consumer member. No two members shall be employed by the same employer while serving on the Board. Board members are to serve no more than two consecutive full terms, a term being three (3) years. However, a member shall continue to serve until a successor is appointed and qualified.

Authority: OCGA §§ 43-1-25, 43-26-31; 43-26-34 and 43-26-35.

AMENDMENT TO RULE 400-2-.01 Qualifications: Regular Examination Candidates. Amended and ADOPTION OF NEW RULE 400-2-.01 Licensure by Examination

Ms. Lockwood moved to Amend Rule 400-2-.01 entitled Qualifications: Regular Examination Candidates. Amended. and adopt a new Rule 400-2-.01 entitled Licensure by Examination. Ms. Sipple seconded the motion and it carried unanimously.

Ms. Marshall moved to vote that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office. Ms. Sipple seconded the motion and it carried unanimously.

**NOTICE OF INTENT TO REPEAL A RULE OF THE
GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES RULES,
RULE 400-2-.01 Qualifications: Regular Examination Candidates. Amended.
AND ADOPT A NEW RULE 400-2-.01, *Licensure By Examination*
AND
NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Georgia Board of Examiners of Licensed Practical Nurses (hereinafter referred to as "Board") proposes to repeal Rule 400-2-.01 *Qualifications: Regular Examination Candidates. Amended* found in Rules Chapter 400-2 of Rules of the Georgia Board of Examiners of Licensed Practical Nurses and adopt a new Rule 400-2-.01, *Licensure By Examination*.

This notice, together with an exact copy of the synopsis of the proposed amended rule, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice and an exact copy of the synopsis of the proposed amended rule may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia Board of Examiners of Licensed Practical Nurses web page at www.sos.georgia.gov/plb/lpn. Copies may also be requested by contacting the Georgia Board of Examiners of Licensed Practical Nurses office at (478) 207-2440.

A public hearing is scheduled to begin at 10:00 a.m. on August 19, 2010 at the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input about the proposed new rule. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received on or before August 12, 2010. Written comments should be addressed to Randall Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Examiners of Licensed Practical Nurses, 237 Coliseum Drive, Macon Georgia, 31217. FAX 478-207-1660.

The proposed amended rule will be considered for adoption by the Georgia Board of Examiners of Licensed Practical Nurses at its meeting scheduled to begin at 10:05 on August 19, 2010 at the Professional Licensing Boards division at 237 Coliseum Drive, Macon, Georgia, 31217. According to legal advice rendered by the Department of Law, State of

Georgia, the Georgia Board of Examiners of Licensed Practical Nurses has the authority to adopt the proposed amendments to Rule 400-2-.01 pursuant to authority contained in O.C.G.A. §§ 43-1-25; 43-26-32; 43-26-35; 43-26-36 and 43-26-37.

In accordance with the provisions of O.C.G.A. § 50-13-4(a)(4), the Board voted at its board meeting on June 10, 2010 that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and that any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accompanies the objectives of O.C.G.A. §§ 43-1-25; 43-26-32; 43-26-35; 43-26-36 and 43-26-37.

The Board also voted at its board meeting on June 10, 2010 that, in order to meet the objectives of O.C.G.A. §§ 43-1-25; 43-26-32; 43-26-35; 43-26-36 and 43-26-37 it is not legal or feasible to adopt or implement differing actions for business as required by the provisions of O.C.G.A. §§ 50-13-4(a)(3). The formulation and adoption of this rule will impact every licensee in the same manner and will have the same impact on each business that is independently owned and operated in the field of practical nursing.

For further information, please contact the Board office at 478-207-1644.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 19th day of July, 2010.

Randall D. Vaughn, ***Division Director***
PROFESSIONAL LICENSING BOARDS

POSTED: July 19, 2010

**SYNOPSIS OF PROPOSED RULE OF THE
GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES
RULE 400-2-.01**

PURPOSE: The purpose of the amendment is to update the rule clearly define those individuals who may become Licensed Practical Nurses in the state of Georgia through the passage of the NCLEX-PN.

MAIN FEATURE: The main feature of the amendment is to update the language and more clearly define applicants who may take the NCLEX-PN examination before licensure.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
THE PROPOSED AMENDMENT TO
THE GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES
RULES, RULE NO. 400-2-.01**

Note: Underlined text is proposed to be added, lined through text is proposed to be deleted.

400-2-.01 Qualifications: Regular Examination Candidates

(1) Upon proof being properly submitted to the Board that the applicant has successfully completed a Georgia approved practical nursing program before the exam date and, upon proof that the applicant meets the statutory qualifications to become a licensed practical nurse in Georgia, and upon proof of payment of proper fees, the Board will allow the applicant to take such examination as prescribed therefor.

The Board will authorize an applicant for licensure, who has graduated from a nursing education program as defined by O.C.G.A. § 43-26-32, to take the NCLEX-PN Examination after submitting to the Board proof of the following:

- (a) the applicant has successfully completed a Board approved nursing education program prior to the licensing examination date;
- (b) the applicant must meet the statutory qualifications to become a licensed practical nurse in Georgia; and
- (c) the required fees have been paid.

Authority: O.C.G.A. §§ 43-1-25; 43-26-32; 43-26-35; 43-26-36 and 43-26-37.

AMENDMENT TO RULE 400-2-.06 Temporary Permits. Amended

Ms. Sipple moved to Amend Rule 400-2-.06 entitled Temporary Permits. Amended. Ms. Fletcher seconded the motion and it carried unanimously.

Ms. Lockwood moved to vote that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office. Ms. Sipple seconded the motion and it carried unanimously.

NOTICE OF INTENT TO AMEND A RULE OF THE

**GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES RULES,
RULE 400-2-.06 Temporary Permit. Amended.
AND
NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Georgia Board of Examiners of Licensed Practical Nurses (hereinafter referred to as "Board") proposes to amend Rule 400-2-.06 *Temporary Permit. Amended* found in Rules Chapter 400-2 of Rules of the Georgia Board of Examiners of Licensed Practical Nurses.

This notice, together with an exact copy of the synopsis of the proposed amended rule, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice and an exact copy of the synopsis of the proposed amended rule may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia Board of Examiners of Licensed Practical Nurses web page at www.sos.georgia.gov/plb/lpn. Copies may also be requested by contacting the Georgia Board of Examiners of Licensed Practical Nurses office at (478) 207-2440.

A public hearing is scheduled to begin at 10:00 a.m. on August 19, 2010 at the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input about the proposed new rule. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received on or before August 12, 2010. Written comments should be addressed to Randall Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Examiners of Licensed Practical Nurses, 237 Coliseum Drive, Macon Georgia, 31217. FAX 478-207-1660.

The proposed amended rule will be considered for adoption by the Georgia Board of Examiners of Licensed Practical Nurses at its meeting scheduled to begin at 10:05 on August 19, 2010 at the Professional Licensing Boards division at 237 Coliseum Drive, Macon, Georgia, 31217. According to legal advice rendered by the Department of Law, State of Georgia, the Georgia Board of Examiners of Licensed Practical Nurses has the authority to adopt the proposed amendments to Rule 400-2-.06 pursuant to authority contained in O.C.G.A. §§ 43-26-35; 43-26-38 and 43-26-39.

In accordance with the provisions of O.C.G.A. § 50-13-4(a)(4), the Board voted at its board meeting on June 10, 2010 that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and that any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accompanies the objectives of O.C.G.A. §§ 43-26-35; 43-26-38 and 43-26-39.

The Board also voted at its board meeting on June 10, 2010 that, in order to meet the objectives of O.C.G.A. §§ 43-26-35; 43-26-38 and 43-26-39 it is not legal or feasible to adopt or implement differing actions for business as required by the provisions of O.C.G.A. § 50-13-4(a)(3). The formulation and adoption of this rule will impact every licensee in the same manner and will have the same impact on each business that is independently owned and operated in the field of practical nursing.

For further information, please contact the Board office at 478-207-1644.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 19th day of July, 2010.

Randall D. Vaughn, ***Division Director***
PROFESSIONAL LICENSING BOARDS

POSTED: July 19, 2010

**SYNOPSIS OF PROPOSED RULE OF THE
GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES
RULE 400-2-.06**

PURPOSE: The purpose of the amendment is to decrease the time period a temporary permit is valid.

MAIN FEATURE: The main feature of the amendment is to change the time period a temporary permit is valid from nine (9) to six (6) months.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
THE PROPOSED AMENDMENT TO
THE GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES
RULES, RULE NO. 400-2-.06**

Note: Underlined text is proposed to be added, lined through text is proposed to be deleted.

400-2-.06 Temporary Permit.

(1) Further Training: An applicant for licensure by endorsement or reinstatement required to complete further training through supervised clinical practice may be issued a temporary permit, according to the provisions of law, as follows:

(a) The temporary permit shall be valid up to ~~nine (9)~~ six (6) months or until final action upon the application for licensure by endorsement or reinstatement is taken by the Board and a license is issued, whichever occurs first. In either case, the temporary permit is valid for a period of ~~nine (9)~~ six (6) months. **Any extension of the ~~nine (9)~~ six (6) month temporary permit shall be at the discretion of the Board.**

(b) The holder of this temporary permit may obtain supervised clinical practice training under supervision as outlined in the board approved work proposal submitted to the board by the applicant on forms provided by the board.

(2) Endorsement and Reinstatement: An applicant for licensure by endorsement or reinstatement who has submitted a completed application and provided verification of active practice may be issued a temporary permit according to the provisions of law as follows:

(a) Applicant has provided a current copy of their licensed practical/vocational nurse license from a NCLEX jurisdiction.

(b) The holder of this temporary permit may perform nursing duties under the supervision of a licensed registered nurse, doctor, podiatrist or dentist.

(c) The temporary permit shall be valid up to ~~nine (9)~~ **six (6)** months or until final action upon the application for licensure by endorsement or reinstatement is taken by the Board and a license is issued, whichever occurs first. In either case, the temporary permit **is** valid for a period **of nine (9) six (6)** months. **Any extension of the nine (9) six (6) month temporary permit shall be at the discretion of the Board.**

Authority: O.C.G.A. §§ 43-26-35; 43-26-38 and 43-26-39.

EXECUTIVE SESSION

Ms. Fletcher moved, Ms. Marshall seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2(k); 43-1-19(h); 43-26-5 (c) and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases*. The motion passed unanimously.

At the conclusion of Executive Session on Thursday, June 10, 2010, Mrs. Mitchell declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

ATTORNEY GENERAL'S STATUS REPORT – JANET JACKSON

Leah Barrett, LPN047857 Ms. Sipple moved to accept the **Public** Second Amended Consent Order extending probation an additional two years, narcotics restrictions until November of 2010, continuation of treatment/aftercare program and quarterly employer, personal and counselor reports. Ms. Lockwood seconded the motion and it carried unanimously.

Willie Canaday, LPN082021– Ms. Marshall moved to accept the **Public** Consent Agreement mirroring Alabama's Consent Agreement. Motion was seconded by Ms. Phipps and it carried unanimously.

Sylvia Green, LPN066015 – Ms. Lockwood moved to accept **Public** Consent Order, suspending her license indefinitely. After six months licensee may petition the board to restore her license. Motion was seconded by Ms. Fletcher and it carried unanimously. ,

CASE # LPNI080163 – LH Ms. Fletcher moved to accept Private Consent Order requiring three years of participation in aftercare treatment; quarterly employer and personal reports and compliance with the Alabama Consent Agreement. Ms. Lockwood seconded the motion and it carried unanimously.

Teresa Lanier, LPN032493 - Ms. Phipps moved to accept the **PUBLIC** Amended Consent Order extending probation an additional two years, continuation of treatment/aftercare program and quarterly employer, personal and counselor reports. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100165-VKJ Ms. Lockwood moved to rescind previous Board Motion and close the case. Ms. Marshall seconded the motion and it carried unanimously.

LPN070020-SJB Ms. Marshall moved to refer this case to Enforcement to conduct Accurant check and a GCIC and report back to the Board. Motion was seconded by Ms. Fletcher and it carried unanimously.

LPNI090018-JG Ms. Fletcher moved to refer this case to Enforcement to hand serve the MPE Order. Ms. Phipps seconded the motion and it carried unanimously.

LPNI090101-ER Ms. Lockwood moved to rescind previous Board Motion and offer a new Consent Order for a public reprimand and a fine of \$250.00 for failure to disclose. Ms. Phipps seconded the motion and it carried unanimously.

Ms. Jackson also updated the board on pending cases that she is currently preparing for further Board action, and closed cases since the previous board meeting.

Ms. Sipple moved to accept the Attorney General's Status and Activity Report and to accept Consent Agreements/Orders and other actions as prepared by the Attorney General's office. Ms. Lockwood seconded the motion and it carried unanimously.

RANDALL D. VAUGHN

Mr. Randall D. Vaughn, Division Director of the Professional Licensing Boards entered the meeting and greeted the new Board Members. He expressed his appreciation for their service and wished them success.

BAUDER COLLEGE

Representatives from Bauder College entered the meeting. Ms. Mitchell presented her evaluation of Report 1 and the 10th Month Report submitted by Bauder College for Board review and action.

REPORT 1

-Administrative Structure/Lines of Authority:
Meets the requirements of Rule 400-3-.02

-Nursing Faculty Qualification Report:
The submitted forms meet the requirements of Rule 400-3-.08

Rule 400-3-.08(1)(a) is not met by the nursing faculty submitted in this report. The number is not adequate or proportionate to the number of students to be enrolled. The same instructors are listed for the ADN program.

-Master Curriculum Plan

In accordance to Rule 400-3-.02(1)(f) and consistent with Rule 400-3-.07 the proposed curriculum does not meet the requirement as evidenced by:

Basic Nutrition

Contact Clock Hours Calculation Form indicates this requirement will be met by NR 131, NR 165 and NR 182. In review of the syllabus this information is not included in these courses.

Diet Therapy

Contact Clock Hours Calculation Form indicates this requirement will be met by NR 103, NR 155, NR 165 and NR 182. In review of the syllabus, this information is only included in NR 103 and NR 165.

Control and Prevention of Infectious Diseases

Contact Clock Hours Calculation Form indicates this requirement will be met by HS131. In review of the syllabus this information is not included in this course.

Principles and Procedures of Diagnostic Studies

Contact Clock Hours Calculation Form indicates this requirement will be met by NS 121. In review of the syllabus this information is not included in this course.

-School Program Catalog:

Meets the requirements of Rule 400-3-.02.

-Program and Student Policies:

Meets the requirements of Rule 400-3-.02.

-Rule 400-3-.11 (1)(c)1

The textbooks listed below fail to meet the requirements of this rule (not older than 5 years)

Nursing Care Planning Guides for Adults in Acute, Extended and Home Care Settings (2004)

Olds' Maternal-Newborn Nursing and Women's Health Care (2004)

Scope and Standards for Nurse Administrators (2004)

Spanish English Handbook for Medical Professionals (1994)

Cancer Nursing: Principles and Practice (2005)

Foundations of Psychiatric Mental Health Nursing (2005)

The Lippincott Manual of Nursing Practice (2005)

The following text has no year of publication listed:

Mosby's Medical, Nursing & Allied Health Dictionary

BOARD ACTION:

This information must be received by the Georgia Board of Examiners of Licensed Practical Nurses by July 15, 2010 for review at the August Board Meeting.

Provide updated Curriculum Plan to meeting the requirements for:

Basic Nutrition

Diet Therapy

Control and Prevention of Infectious Diseases

Principles and Procedures of Diagnostic Studies

Provide list of updated textbooks that meet the requirement of not older than 5 years as listed above.

Provide a plan for the appointment of faculty who will be assigned to the Licensed Practical Nursing Program.

10TH Month Report:

-Official Name

This report meets the requirements of Rule 400-3-.02

-Anticipated start date, number of classes per year and time of admission of classes

This report meets the requirements of Rule 400-3-.02.

-Anticipated maximum number of students

This report meets the requirements of Rule 400-3-.02.

-Official mailing address and phone number:

This report meets the requirements of Rule 400-3-.02.

-Clinical Facility Information Sheet:

This report meets the requirements of Rule 400-3-.02.

-Clinical Facility Self-Study Report from each proposed clinical facility:

The Care Areas listed for the clinical affiliates is not consistent with the type of care the facility provides in some cases.

The following facilities do not meet the requirements of this rule as indicated:

Riverdale Care Place & Rehab Center – No Clinical Facility Self-Study Report (contract included in report)

Tanner Health System – Villa Ricca - No Clinical Facility Self-Study Report, no contract

Tanner Health System – Willowbrooke – No Clinical Facility Self-Study Report, no contract

Unified Post Acute Care – No Clinical Facility Self-Study Report and no contract or letter of intent

Kindred Hospital – No contract

Regency Hospital – No contract

Tanner Health System (Carrollton) No contract

Union General – No contract

Contract included in 10th month Report for Laurel Bay, but is not listed on the Clinical Facility Information Sheet.

The missing documentation must be provided for these facilities or they must be removed from the Clinical Facility Information Sheet and may not be used for clinical experience.

While the number of beds at the clinical affiliates meets the letter of the requirement (if all the facilities listed on the Clinical Facility Information Sheet are viable sites), the average daily census and the facilities use by other PN and ADN programs do not meet the requirements for adequate clinical experience.

Emory Adventist – 88 beds with average census of 22 (7 students) – also clinical facility for West Georgia Tech in Waco, Ga.

Kindred Hospital (LTAC) – 72 beds with average census of 5 (1 student) – Clinical Facility Self Study states other LPN and RN programs, but does not name them.

Regency Hospital (LTAC) – 40 beds with average census of 35 (11 students) no other programs use this facility.

Summit Ridge (psychiatric) – 76 beds with average census of 65 (22 students) – no other LPN programs use the facility, but one RN program does (not named)

Tanner Health System (Carrollton) 202 beds with average census of 100 (33 students) – also clinical facility for three 3 RN programs and West Georgia Technical College – Waco (practical nurses)

Union General 45 beds with average census of 18 (6 students) – also clinical facility for North Georgia Technical College

BOARD ACTION

The following must be submitted to the Georgia Board of Examiners of Licensed Practical Nurses by July 15, 2010 for review at the August 2010 Board Meeting.

1. Provide updated information of clinical facilities to include the information deficient as listed above.
2. Remove the facilities from the Clinical Facility Information Sheet that undated and required information cannot be obtained.
3. Submit plan to provide adequate clinical experience for each student including how faculty will cover so many facilities.

EXECUTIVE SESSION

Ms. Sipple moved, Ms. Fletcher seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2(k); 43-1-19(h); 43-26-5 (c) and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases*. The motion passed unanimously.

At the conclusion of Executive Session on Thursday, June 10, 2010, Mrs. Mitchell declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

ENFORCEMENT

LPNI090096 – ARP Ms. Sipple moved to refer this case to the Enforcement Department to obtain more information regarding sentence, probation and conditions of probation. Ms. Marshall seconded the motion and it carried unanimously.

LPNI090139 – TJC Ms. Marshall moved to refer to the Attorney General for a Voluntary Surrender or Indefinite Suspension. Ms. Lockwood seconded the motion and it carried unanimously.

MENTAL/PHYSICAL EXAMINATION Review

LPNI100031 – HF Ms. Sipple moved to refer to the Attorney General’s Office for a Hearing or Private Consent Order to include 5 years probation, 2 years of narcotics restrictions, substance abuse stipulations, employer, aftercare, personal and psychotherapy quarterly reports. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100202 – TS Ms. Sipple moved to refer to Enforcement/Investigations Department to try to locate this individual through Accurint. Not be allowed to renew his license until the Mental/Physical Examination is complete. Ms. Phipps seconded the motion and it carried unanimously.

VIOLATION OF CONSENT ORDER

LPNI100204 – LG Ms. Marshall moved to refer to the Attorney General for a voluntary surrender or indefinite suspension. Ms. Lockwood seconded the motion and it carried unanimously.

LPNI100205 – AMM Ms. Sipple moved to close the case. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100206 – BHR Ms. Sipple moved to refer to the Attorney General's Office for a Hearing or Amended Public Consent Order extending probation for an additional two years, narcotics restrictions for two years and employer, aftercare, personal quarterly reports. Ms. Marshall seconded the motion and it carried unanimously.

COMPLAINT INVESTIGATION Review

LPNI100332 – LYJ Ms. Sipple moved to order licensee to have an outpatient Mental/Physical Examination. Results are to be reviewed by the Cognizant Board Member. If warranted, refer to the Attorney General's Office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100339 – LAR Ms. Marshall moved to refer to the Attorney General for a Revocation based on forgery and failure to disclose criminal conviction. Ms. Phipps seconded the motion and it carried unanimously.

RENEWAL APPLICATION Review

LPNI100334 - SRW Ms. Sipple moved to renew license and send a letter of concern for licensee's failure to disclose on 2007-2009 renewal. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100333 - RW Ms. Lockwood moved to renew license and close the case with a letter of concern regarding criminal first offender for bas checks. Ms. Sipple seconded the motion and it carried unanimously.

LPNI100100 - RCD Ms. Marshall moved to order licensee to have an outpatient Mental/Physical Examination. Results are to be reviewed by the cognizant Board Member and if warranted, referred to the Attorney General's Office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Sipple seconded the motion and it carried unanimously.

LPNI090181 – VU Ms. Fletcher moved to refer to Legal Services Department for a Public Consent Order with a \$250.00 fine for failure to disclose. Upon receipt of signed Consent Order, the license may be renewed. Ms. Sipple seconded the motion and it carried unanimously.

VIOLATION OF FINAL DECISION

LPNI100084 – SCP Ms. Phipps moved to refer to the Attorney General's office for an Amended Public Consent Order extending her probation for two years. Failure to comply will result in Indefinite Suspension. Within 10 days of

receipt of docketed order, licensee must contact the Board to schedule a meeting for review of Consent Order. Ms. Marshall seconded the motion and it carried unanimously.

REINSTATEMENT APPLICATION REVIEW

LPNI040025 – AFH Ms. Sipple moved to order licensee to have an outpatient Mental/Physical Examination. Results are to be reviewed by the cognizant Board Member and if warranted, referred to the Attorney General's Office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Marshall seconded the motion and it carried unanimously.

NCLEX-PN Application Review

LPNI100363 –SJW Ms. Fletcher moved to order applicant to have an outpatient Mental/Physical Examination as a condition of the Board's consideration of the application. Results are to be reviewed by the Board. If warranted, refer to the Attorney General's Office for a consent agreement utilizing evaluation results and/or recommendations. If not warranted proceed with licensure and close the case. Ms. Lockwood seconded the motion and it carried unanimously.

ENDORSEMENT APPLICATION REVIEW

LPNI100362 – JC Ms. Fletcher moved to close with a letter of concern regarding drugs and proceed with licensure by Endorsement. Ms. Lockwood seconded the motion and it carried unanimously.

LPNI100351 – HFW Ms. Fletcher moved to close with a letter of concern regarding criminal activities. Proceed with licensure by endorsement. Ms. Marshall seconded the motion and it carried unanimously.

NCLEX-PN APPLICATION REVIEW

LPNI100373 – MJ Ms. Fletcher moved to close with a letter of concern regarding criminal activities and proceed with licensure by examination. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100375 – MB Ms. Sipple moved to license by examination. Ms. Phipps seconded the motion and it carried unanimously.

LPNI100376 – CB Ms. Fletcher moved to close with a letter of concern regarding anger management and proceed with licensure by examination. Ms. Sipple seconded the motion and it carried unanimously.

LPNI100380 – BGA Ms. Sipple moved to proceed with licensure by examination. Ms. Marshall seconded the motion and it carried unanimously.

REINSTATEMENT – Application Review

LPNI100381 – LEW Ms. Fletcher moved to deny licensure based on action in another jurisdiction. Ms. Phipps seconded the motion and it carried unanimously.

ENDORSEMENT – Application review

LPNI100382 – KSW Ms. Sipple moved to write a letter of concern based on criminal activities and a failure to disclose and proceed with licensure by endorsement. Ms. Marshall seconded the motion and it carried unanimously.

LPNI100383 – DDG Ms. Marshall moved to deny licensure based on criminal history. Ms. Sipple seconded the motion and it carried unanimously.

NCLEX-PN APPLICATION REVIEW

LPNI100384 – EEP Ms. Fletcher moved to close with a letter of concern concerning alcohol use and proceed with licensure by examination. Ms. Marshall seconded the motion and it carried unanimously.

VIOLATION OF FINAL DECISION

LPNI090064 – KYJ Ms. Fletcher moved to write a letter to licensee requesting an investigative interview to review her disciplinary action. Ms. Marshall seconded the motion and it carried unanimously.

LICENSES ADMINISTRATIVELY ISSUED

Ms. Fletcher moved to ratify licenses administratively issued from April 11, 2010 to June 1, 2010. Motion was seconded by Ms. Sipple and it carried unanimously.

NCSBN ANNUAL MEETING

Ms. Lockwood moved to elect Ms. Sipple and Ms. Phipps as delegates to the Annual NCSBN Convention held in Portland, Oregon in August. Ms. Marshall seconded the motion and it carried unanimously.

There being no further business, the meeting adjourned at 5:06 p.m.

Barbara Mitchell, RN, NHA, **President**

James Cleghorn, **Acting Executive Director**

The minutes of the Board Meeting were recorded by Pam Candler, Board Support Specialist and approved on
